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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,021	01/11/2002	Kevin W. Haulk	9869.00	8189
26884	7590	03/09/2006	EXAMINER	
PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/044,021	Applicant(s) HAULK ET AL.	
	Examiner Ronald Laneau	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 11/3/05 has been entered. Claims 1-12 are canceled and new claims 13-23 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 13-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Brick et al (US 6,269,342 B1).

As per claim 13, Brick discloses a computerized method of performing a delta update of an electronic shelf label (ESL) (see fig. 10) comprising: (a) comparing a first data image including a first table of a plurality of registers of said ESL and current contents (current contents being current data or current price of displayed products) of said registers (first data image is interpreted to be data displaying the current price list on the display screen of the registers (see fig. 12A, table 314)) with a second data image including a second table of said registers and planned contents (planned contents being new data or new price of displayed products to become effective) of said registers (second data image is interpreted to be data displaying the temporary price list on the display screen of the registers wherein it is comparing the old price list with the new price list and the effective date and time to change the ESL (see fig. 12B, table 316)) to determine a number of said registers less than all of said registers whose planned contents are

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different than corresponding current contents (computer 312 determines which one of the POS terminals or registers 370 to do a temporary or periodic price update (see fig. 10)); and (b) scheduling a message for transmission to the ESL updating only the number of said registers to include corresponding planned contents (cpu determines that a price needs to be change for a product, sends information to the programming device 200 to change said particular product price needed to be changed and updates information relating thereto, said programming device 200 would then signal to the user, either visually or message prompt, or through an audio tone or both to change the information displayed on the shelf tag (col. 10, lines 43-60, fig. 9)).

As per claim 14, Brick discloses a method further comprising: (c) receiving an indication that an update to one or more of said registers may be necessary prior to step (a) (col. 10, lines 43-60, fig. 9).

As per claim 15, Brick discloses a method further comprising: (c) reading the first data image from a source of current ESL data (see fig. 12A, current price list).

As per claim 16, Brick discloses a method further comprising: reading the second data image from a source of product data (see fig. 12B, temporary pricing database including product ID with old and new prices and an effective date and time).

As per claim 17, Brick discloses a method further comprising: (c) creating a third data image including a third table with only said number of registers and the corresponding planned contents prior to step (b) (see fig. 12D, periodic price changes database with an alternate price period and an alternate effective price).

As per claim 18, Brick discloses a computerized method of performing a delta update of an electronic shelf label (ESL) (see fig. 10) comprising: (a) receiving an indication to perform an

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update of a plurality of registers of said ESL by an ESL manager program (col. 10, lines 43-60, fig. 9); (b) reading a first data image including a first table of said registers and current contents (current contents being current data or current price of displayed products) of said registers from current ESL data by the ESL manager program (first data image is interpreted to be data displaying the current price list on the display screen (see fig. 12A, table 314)); obtaining a second data image including a second table of said registers and planned contents of said registers from product data using a data reader program by the ESL manager program (planned contents being new data or new price of displayed products to become effective, see also fig. 9, reader and programmer 200); (d) comparing the first data image with the second data image to determine a number of said registers less than all of said registers whose planned contents are different than corresponding current contents by the ESL manager program (comparing old price list (first image data) with the new price list (second image data) (see fig. 12B, table 316)); (e) creating a third data image including a third table with only said number of registers and the corresponding planned contents by the ESL manager program (third image data is interpreted to be the periodic price changes database to update the ESL (see fig. 12D, table 317)); and (f) sending the third data image to a CBS manager program for transmission to the ESL by the ESL manager program (updating the ESL with the periodic price with the host computer being the CBS manager program managing the different updates of the ESL).

As per claim 19, Brick discloses an electronic shelf label (ESL) system comprising: an ESL including a plurality of registers (fig. 10, 370) and a display for displaying information (see fig. 1); and a host computer (see fig. 10, 312) for comparing a first data image including a first table of a plurality of registers of said ESL and current contents (current contents being current

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data or current price of displayed products) of said registers (first data image is interpreted to be data displaying the current price list on the display screen of the registers (see fig. 12A, table 314)) with a second data image including a second table of said registers and planned contents (planned contents being new data or new price of displayed products to become effective) of said registers (second data image is interpreted to be data displaying the temporary price list on the display screen of the registers wherein it is comparing the old price list with the new price list and the effective date and time to change the ESL (see fig. 12B, table 316)) to determine a number of said registers less than all of said registers whose planned contents are different than corresponding current contents (computer 312 determines which one of the POS terminals or registers 370 to do a temporary or periodic price update (see fig. 10)); and (b) scheduling a message for transmission to the ESL updating only the number of said registers to include corresponding planned contents (cpu determines that a price needs to be change for a product, sends information to the programming device 200 to change said particular product price needed to be changed and updates information relating thereto, said programming device 200 would then signal to the user, either visually or message prompt, or through an audio tone or both to change the information displayed on the shelf tag (col. 10, lines 43-60, fig. 9)).

As per claim 20, Brick discloses a system wherein the computer is also for receiving an indication that an update to one or more of said registers may be necessary (col. 10, lines 43-60, fig. 9).

As per claim 21, Brick discloses a system wherein the computer is also for reading the first data image from current ESL data (see fig. 12A, current price list).

As per claim 22, Brick discloses a system wherein the computer is also for reading the second data image from product data (see fig. 12B, temporary pricing database including product ID with old and new prices and an effective date and time).

As per claim 23, Brick discloses a system wherein the computer is also for creating a third data image including a third table with only said number of registers and the corresponding planned contents, and for scheduling transmission of the third data image as part of the message (see fig. 12D, periodic price changes database with an alternate price period and an alternate effective price; also see col. 10, lines 43-60, fig. 9 regarding scheduling of message).

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Brick only “compares message addresses with ESL addresses not current memory contents with planned contents” and fails to disclose the newly added limitations “comparing a first image data including a first table of a plurality of register of said ESL and current contents of said registers with a second data image including a second table of said registers and planned contents of said registers to determine a number of registers less than all of said registers whose planned contents and, for scheduling a message for transmission to the ESL updating only the number of said registers to include corresponding planned contents.” In response to Applicant’s arguments, see above rejection and Brick further discloses a control unit 332 that compares the received tag ID to a tag ID stored in memory 334, if there is a match, control unit sends signals display unit 340 to modify the display to reflect the received new price

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and then broadcasts an acknowledge signal to host computer 312 acknowledging completion of the update (col. 13, line 40 to col. 14, line 2). Applicant's arguments have been overcome and claims 13-23 are finally rejected.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau

Ronald Laneau
Examiner
Art Unit 3627

3/6/06

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